UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

Yoandys Chavez Cruz *Petitioner,* v. Christopher Chestnut, Warden California City Processing Center; Todd M. Lyons, Acting Director, U.S. Immigration and Customs Enforcement; Sergio Albarran, Acting Field Office Director, San Francisco Field Office, Enforcement and Removal Operations; U.S. Immigration and Customs Enforcement; Markwayne Mullins, Secretary, U.S. Department of Homeland Security; Todd Blanche, U.S. Attorney General.	Case No. **PETITION FOR WRIT OF HABEAS CORPUS**

INTRODUCTION

1. Petitioner Yoandys Chavez Cruz ([redacted]), respectfully submits this Petition for Writ of Habeas Corpus challenging his continued detention by the United States Department of Homeland Security, Immigration and Customs Enforcement ("ICE").

2. Petitioner was admitted into the United States on October 15, 1996 from Cuba and has resided continuously in the United States since that time.

3. On or about July 24, 2018, an Immigration Judge entered a final order of removal against Petitioner.

4. The petitioner was released under an order of supervision on or about June 22, 2018. Respondents were unable to effectuate his removal to Cuba because Cuba was not accepting his repatriation. Years later, Respondents continue to face the same obstacle in effectuating Petitioner's removal to Cuba

5. On January 13, 2026, several years after his release on supervision, ICE re-detained Petitioner.

6. Removal to Cuba has proven impracticable and has not been effectuated despite Respondents' efforts, ICE has now sought to remove Petitioner to Mexico, a country of which he is not a citizen. Petitioner fears being removed to Mexico due to concerns for his safety and because he has no lawful status, family support, or meaningful ties there, raising substantial concerns regarding the legality and reasonableness of his continued detention and proposed removal.

7. Petitioner's continued detention is therefore unauthorized under INA § 241(a)(6), exceeds statutory authority, and violates the Due Process Clause of the Fifth Amendment to the United States Constitution.

8. Petitioner seeks immediate relief from this unlawful detention, including release under the existing Order of Supervision or under reasonable conditions of supervision.

9. There have been no changed circumstances to justify Petitioner's re-detention and no evidence that removal to Cuba is likely to occur in the reasonably foreseeable future.

JURISDICTION

10. This Court has jurisdiction under 28 U.S.C. § 2241(c)(3) because Petitioner is in federal custody and challenges the legality of his present detention as violating the Constitution and laws of the United States. Jurisdiction is also proper under 28 U.S.C. § 1331 and Article I, Section 9, Clause 2 of the United States Constitution (the Suspension Clause), which preserve the availability of habeas corpus to test the lawfulness of executive detention. This Court has authority to grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C. § 1651.

11. Jurisdiction is proper notwithstanding 8 U.S.C. §§ 1252(b)(9) and 1252(g) because Petitioner does not seek review of removal proceedings or any final order of removal, but challenges only the statutory and constitutional authority for his present detention. See *Nadarajah v. Gonzales*, 443 F.3d 1069 (9th Cir. 2006).

12. Jurisdiction further lies in this Court because Petitioner is detained at California City Immigration Processing Center in California City, California, within the Eastern District of California, and his immediate custodian are subject to the Court's authority. See *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493–500 (1973).

VENUE

13. Venue is proper in this Court pursuant to 28 U.S.C. §§ 2241(a) and 1391(e) because Petitioner is currently detained at California City Immigration Processing Center in California City,

California, within the Eastern District of California, and Respondents exercise custody and control over Petitioner within this District through his immediate custodian.

14. Venue is independently proper under *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493–500 (1973), which holds that a habeas petition may be brought in the district where the petitioner is confined and where the custodian is subject to the court's jurisdiction.

15. Venue is also proper under 28 U.S.C. § 1391(e) because Respondents are officers or agencies of the United States acting in their official capacities, and a substantial part of the events and omissions giving rise to Petitioner's detention-only claims occurred within this District, including Petitioner's arrest, detention, and continued confinement.

REQUIREMENTS OF 28 U.S.C. § 2243

16. The Court must grant the petition for writ of habeas corpus or order Respondents to show cause "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Respondents must file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.*

17. Habeas corpus is "perhaps the most important writ known to the constitutional law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). "The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application." *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

PARTIES

18. Petitioner Yoandys Chavez Cruz is a native and citizen of Cuba who is currently detained by the Department of Homeland Security.

19. Christopher Chestnut is the Warden at California City Immigration Processing Center, located at 22844 Virginia Boulevard, California City, CA 93505 in his official capacity

20. Respondent Sergio Albarran is the Immigration and Customs Enforcement Field Office Director for the San Francisco Field Office, which has responsibility over immigration detention facilities in the Eastern District of California, including California City Immigration Processing Center, California City, California. As Field Office Director, Respondent Archambeault is a legal custodian of Petitioner and is responsible for Petitioner's detention. He is sued in his official capacity.

21. Respondent Todd M. Lyons is the Acting Director of Immigration and Customs Enforcement. As the head of ICE, he is responsible for policies and decisions governing the detention of noncitizens, including Petitioner. He is a legal custodian of Petitioner and is sued in his official capacity

22. Respondent Markwayne Mullin is the Secretary of the United States Department of Homeland Security. He is responsible for the administration and enforcement of the Immigration and Nationality Act and oversees Immigration and Customs Enforcement, the agency responsible for Petitioner's detention. He has ultimate custodial authority over Petitioner and is sued in his official capacity

23. Respondent Todd Blanche is the Attorney General of the United States. He is responsible for the Department of Justice, of which the Executive Offices for Immigration Review and the immigration court system are component agencies. He is sued in his official capacity.

LEGAL FRAMEWORK
CLAIM FOR RELIEF

Count I
Unlawful Post-Order Detention in Violation of the Fifth Amendment and 28 U.S.C. § 2241 Because There Is No Significant Likelihood of Removal in the Reasonably Foreseeable Future

24. Petitioner's continued detention is unlawful because there is no significant likelihood of removal in the reasonably foreseeable future. Respondents have not effected removal, have not produced evidence that Mexico has formally accepted Petitioner for repatriation, and have not produced valid travel documents authorizing removal. These circumstances demonstrate more than a temporary delay; they establish a present inability to execute removal.

25. Under *Zadvydas v. Davis*, once detention has extended beyond the presumptively reasonable period and the noncitizen provides good reason to believe removal is not significantly likely in the reasonably foreseeable future, the burden shifts to the Government to rebut that showing. Here, repeated failed removal attempts, the absence of travel documents, and the lack of evidence of receiving-country acceptance establish precisely the type of indefinite detention prohibited by due process. Continued detention therefore violates the Fifth Amendment and habeas relief is warranted.

Count II
Continued Detention Is Arbitrary and Violates Substantive and Procedural Due Process

26. Petitioner's continued detention is arbitrary and violates the Due Process Clause because detention no longer bears a reasonable relationship to its purported purpose of effectuating removal. Civil immigration detention may not become punitive or indefinite where removal is not realistically foreseeable. Where the Government has failed to remove Petitioner and cannot show a meaningful prospect of removal in the reasonably foreseeable future, continued confinement ceases to serve a legitimate regulatory purpose.

27. Further, revocation of Petitioner's prior Order of Supervision, followed by prolonged detention without a realistic removal prospect, underscores the arbitrary nature of custody. Petitioner was previously managed through supervision in the community, demonstrating the existence of less

restrictive alternatives to detention. Respondents' continued confinement despite those alternatives violates due process.

Count III
Detention Is Unlawful Because Respondents Have Failed to Demonstrate a Significant Likelihood of Effectuating Removal to Mexico

28. Respondents cannot justify continued detention based on speculative removal possibilities. The Government may not rely on abstract assertions that removal might occur someday; it must show a realistic and significant likelihood of removal in the reasonably foreseeable future. Here, there is no evidence Mexico has agreed to accept Petitioner, no evidence travel documents have been issued, and prior attempted removals failed. Mere hope of future repatriation cannot support continued detention.

29. Because removal remains speculative and unsupported by concrete evidence, detention exceeds statutory and constitutional limits and Petitioner is entitled to release under reasonable conditions of supervision.

Count IV
In the Alternative, Petitioner Is Entitled to Release Under Reinstatement of an Order of Supervision Pursuant to 8 C.F.R. § 241.13

30. Even assuming arguendo Respondents contend removal remains possible, Petitioner is at minimum entitled to release under supervision. Petitioner was previously released pursuant to an Order of Supervision, demonstrating that community supervision is a viable and previously utilized means of managing custody. Given the absence of a realistic removal prospect, reinstatement of supervision is the appropriate remedy consistent with 8 C.F.R. § 241.13 and constitutional limitations on prolonged detention.

Count V
Unlawful Revocation of Order of Supervision and Arbitrary Re-Detention

29. Petitioner was previously released pursuant to an Order of Supervision and successfully resided in the community for many years without immigration detention.

30. Respondents revoked Petitioner's Order of Supervision and re-detained him based upon the speculative possibility of removal to a third country. However, the anticipated removal has not occurred, and Respondents have failed to demonstrate that removal is significantly likely in the reasonably foreseeable future.

31. Petitioner has remained compliant with immigration requirements and there has been no material change in circumstances sufficient to justify the drastic deprivation of liberty resulting from re-detention.

32. The revocation of Petitioner's Order of Supervision and resulting detention therefore bear no reasonable relationship to a legitimate governmental purpose and constitute arbitrary governmental action in violation of the Due Process Clause of the Fifth Amendment.

33. Petitioner is entitled to reinstatement of supervision and immediate release from custody.

Count VI
Failure to Consider Less Restrictive Alternatives to Detention

34. Civil immigration detention is intended to serve a regulatory purpose and must be reasonably related to that purpose.

35. Prior to his re-detention, Petitioner successfully complied with the conditions of supervision imposed by Respondents for an extended period of time.

36. Respondents have failed to adequately consider less restrictive alternatives to detention, including reinstatement of Petitioner's Order of Supervision, reporting requirements, electronic monitoring, or other conditions reasonably calculated to ensure compliance.

37. Where a noncitizen has demonstrated compliance with supervision and removal is not significantly likely in the reasonably foreseeable future, continued detention without meaningful consideration of less restrictive alternatives violates the Due Process Clause of the Fifth Amendment.

38. Petitioner is therefore entitled to immediate release under reasonable conditions of supervision.

Count VII
Continued Detention Has Become Punitive in Violation of the Fifth Amendment

39. Immigration detention is civil in nature and may be constitutionally justified only insofar as it reasonably serves the legitimate governmental objective of effectuating removal.

40. Petitioner has remained in immigration custody despite Respondents' inability to establish a significant likelihood of removal in the reasonably foreseeable future.

41. Because removal is not reasonably foreseeable, Petitioner's detention no longer serves a legitimate regulatory purpose and has become excessive in relation to its stated objective.

42. Detention that is excessive, indefinite, or untethered to a realistic prospect of removal becomes punitive in nature and violates the Due Process Clause of the Fifth Amendment.

43. Petitioner's continued confinement therefore exceeds constitutional limitations on civil detention and warrants immediate habeas relief.

Count VIII
Declaratory Relief

44. An actual and justiciable controversy exists between the parties regarding the legality of Petitioner's continued detention.

45. Petitioner contends that his continued detention violates the Immigration and Nationality Act, the principles set forth in Zadvydas v. Davis, and the Due Process Clause of the Fifth Amendment.

46. Respondents contend that they possess lawful authority to continue detaining Petitioner.

47. Petitioner is entitled to a declaration that Respondents lack lawful authority to continue his detention under the circumstances alleged herein and that continued detention violates federal law and the Constitution.

COUNT IX
Violation of the Administrative Procedures Act, and the Administrative Procedure Act (APA), 5 U.S.C. §§ 701, et seq.

48. To prevail on a § 2241 habeas petition challenging immigration detention, Petitioner must show by a preponderance of the evidence that he is "in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241(c)(3); *Villanueva v. Tate*, No. CV H-25-3364, 2025 WL 2774610, at *4 (S.D. Tex. Sept. 26, 2025) (quoting 28 U.S.C. § 2241(c)(3)).

49. Because habeas proceedings are civil in nature, Petitioner bears this burden. *Id.* (quoting *Skarfour v. United States*, 667 F.3d 145, 158 (2d Cir. 2011)); see also *Braden v. 30th Judicial Dist. Court*, 410 U.S. 484, 489-90 (1973). "A court considering a habeas petition must 'determine the facts, and the issue of...justice require.'" Id. (quoting 28 U.S.C. § 2243).

50. As in *Salgar v. Noem*, Petitioner challenges his detention on two principal grounds: (1) ICE violated due process by failing to follow its own procedures and regulations in revoking her OSUP; and (2) the detention violates *Zadvydas v. Davis*, 533 U.S. 678, 121 S. Ct. 2491, 150 L.Ed.2d 653 (2001), and the Immigration and Nationality Act because he is held indefinitely without a reasonably foreseeable removal date.

51. Petitioner's detention violates due process because ICE failed to follow the procedural requirements in its own regulations when revoking his OSUP.

52. Petitioner has been on supervised release since 2012, following a determination that he was nonviolent, posed no danger, was unlikely to violate release conditions, and did not present a flight risk. See 8 C.F.R. § 241.4(d)(1), (e).

53. Under governing regulations, an OSUP may be revoked if the noncitizen violates its conditions. See 8 C.F.R. § 241.4(d)(1), (2)(i).

54. In addition, an OSUP "may be revoked when it is appropriate to enforce a removal order or [if] the conduct of the alien, or any other circumstance, indicates that release would no longer be appropriate." 8 C.F.R. § 241.4(d)(2)(ii), (iii).

55. Revocation authority is limited to the Executive Associate Commissioner of ICE or, when referral to that official is impracticable, a district director of ICE. 8 C.F.R. § 241.4(c)(2).

56. Upon revocation, the noncitizen must "be notified of the reasons for revocation of his or her release" and afforded a "prompt 'initial informal interview'" to allow the noncitizen an opportunity to respond to and contest the reasons for revocation. 8 C.F.R. § 241.4(d)(1)(iii)(A), (iv).

57. These procedures and safeguards provide protection "where the detention or re-detention of noncitizens is necessarily an action that results in the loss of personal liberty that requires due process protections." *Santamaria Orellana v. Baker,* No. CV-25-1788-TDC, 2025 WL 2444087, at *6 (D. Md. Aug. 25, 2025).

58. Here, Petitioner contends he was given no explanation for his re-detention, no informal interview at the time of re-detention, and no opportunity to contest the grounds for revoking his supervision as the regulations expressly require.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court grant the Petition for a Writ of Habeas Corpus and enter judgment in his favor by ordering the following relief:

A. Grant the writ of habeas corpus and order Petitioner's immediate release from immigration custody, on the ground that his continued detention exceeds statutory

authority, is inconsistent with a binding nationwide class judgment, and violates the Due Process Clause of the Fifth Amendment;

B. Award Petitioner reasonable attorney's fees and costs pursuant to applicable law, including the Equal Access to Justice Act, 28 U.S.C. § 2412, to the extent permitted by law;

C. Grant such other and further relief as the Court deems just and proper.

Dated: July 23, 2026

Respectfully Submitted,

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VERIFICATION

Pursuant to 28 U.S.C. §§ 2242 and 1746, I declare under the penalty of perjury that the facts set forth in the foregoing Petition for Habeas Corpuses are true and correct.

Executed this 23rd day of June 2026.

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